



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700.

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Paper No. _____

In re application of: :
Vincenzo Tomarchio et al :
Serial No.: 09/887,887 : DECISION ON
Filed: June 22, 2001 : PETITION
For: FLUSHABLE HARD SURFACE CLEANING WET WIPE:

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT under 37 C.F.R. 1.181, filed January 20, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of September 22, 2003, for failure to timely file a proper response to the Office letter dated February 10, 2003 be withdrawn. The petitioner asserts that applicants timely filed a proper response and a Petition for Extension of Time on July 30, 2003.

DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition dated January 20, 2004 indicates that the applicants filed a response along with a Petition for Two-Month Extension of Time on July 30, 2003.

A review of the facts in this case shows that the Examiner mailed a non-final Office action on February 10, 2003, setting a 3-month shortened statutory period for reply. Thus a timely response, coupled with the two-month extension of time, would have had to be filed by July 10, 2003. Since applicants did not respond until July 30, 2003, the Reply dated July 30, 2003 is untimely. Accordingly, this application stands abandoned.



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Applicants may file a new Petition to the Deputy Commissioner for Patent Examination Policy under 37 CFR 1.137(b) to revive the instant abandoned application based on unintentional delay.

The Petition is **DENIED.**

A handwritten signature in black ink, appearing to read "J. Stone", is positioned above the printed name of the Director.

Jacqueline Stone, Director
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